

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RODNEY RODGERS,	:	CIVIL ACTION NO. 1:12-CV-1582
	:	
Petitioner	:	(Judge Conner)
	:	
v.	:	
	:	
THOMAS CORBETT, et al.,	:	
	:	
Respondents	:	

ORDER

AND NOW, this 17th day of August, 2012, upon preliminary consideration of the petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, See R. GOVERNING § 2254 CASES R.4 (directing prompt examination of the petition and dismissal if it plainly appears that the petitioner is not entitled to relief), and it appearing that petitioner attempts to file a second or successive petition in that he filed a prior application for federal habeas relief challenging the same convictions he challenges in the instant application and raising the same issues, and that the prior petition was denied, Rodgers v. Klem, Civil No. 1:05-CV-0206 (Jan. 23, 2006), and that on appeal the United States Court of Appeals for the Third Circuit concluded that “[Rodgers] has not shown that reasonable jurists would debate the district court’s denial of his petition as lacking merit[,] [s]ee Miller El v. Cockrell, 537 U.S. 322, 336 (2003)[,] [and that] jurists of reason would not debate that appellant has not shown that he was prejudiced by his counsel’s alleged error[,] [s]ee Strickland v. Washington, 466 U.S. 668, 687 (1984),” Rodgers v. Klem, C.A. No. 07-1342 (July 6, 2007), and that based on the forgoing, the petition is subject to

dismissal pursuant to 28 U.S.C. § 2244(a), which states that “[n]o circuit or district judge shall be required to entertain an application for a writ of habeas corpus to inquire into the detention of a person pursuant to a judgment of a court of the United States if it appears that the legality of such detention has been determined by a judge or court of the United States on a prior application for a writ of habeas corpus,” and 28 U.S.C. § 2244(b)(1) stating that “[a] claim presented in a second or successive habeas corpus application under section 2245 that was presented in a prior application shall be dismissed,” it is hereby ORDERED that:

1. The motion to proceed in forma pauperis (Doc. 2) is GRANTED for the sole purpose of the filing of this action.
2. The petition for writ of habeas corpus is DISMISSED pursuant to 28 U.S.C. § 2244(a), (b)(1).
3. The Clerk of Court is directed to CLOSE this case.
4. There is no basis for the issuance of a certificate of appealability. See 28 U.S.C. § 2253(c).

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge